

UNITED STATES DISTRICT COURT

for the

_____ District of Puerto Rico

United States of America

v.

HERIBERTO GUADALUPE-MERCADO
A/K/A "BISTOQUE"Date of Previous Judgment: APRIL 5, 2001

(Use Date of Last Amended Judgment if Applicable)

Case No: 00-CR-048-007 (JAF)USM No: 20234-069ROBERT MILLAN, ESQ.

Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ months **is reduced to** _____.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: _____

Amended Offense Level: _____

Criminal History Category: _____

Criminal History Category: _____

Previous Guideline Range: _____ to _____ months

Amended Guideline Range: _____ to _____ months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☐ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☐ Other (explain): _____

III. ADDITIONAL COMMENTS

The plea and conviction in this case is not for crack cocaine (cocaine base). The basis for the conviction was the possession with intent to distribute cocaine hydrochloride. No retroactivity benefit is available.

Except as provided above, all provisions of the judgment dated _____ shall remain in effect.

IT IS SO ORDERED.Order Date: June 24, 2008s/José A. Fusté

Judge's signature

Effective Date: _____

(if different from order date)

JOSE A. FUSTE, U.S. DISTRICT JUDGE

Printed name and title